

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 05-cr-256-01-SM

Gary Milne

**O R D E R**

Defendant, by his counsel, has moved for a determination of mental competency pursuant to 18 U.S.C. § 4241. The government concurs. Based upon defense counsel's representations as to defendant's interactions with him, the observations and concerns of U.S. Probation Officer Gildea and his reported mental health history, I find reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect that could affect his competency to stand trial. Pursuant to 18 U.S.C. § 4241(b) and 4247(b), the defendant is committed to the custody of the Attorney General for a period not to exceed thirty days for placement in a suitable facility where an examination of the defendant's mental condition can be conducted. The director of the facility may apply for a reasonable extension as provided by 18 U.S.C. § 4247(b). The examining officials shall prepare a report of their findings pursuant to 18 U.S.C. § 4247(b), which

report shall be filed with this court. The Court requests prior notification of the date of the defendant's return to this jurisdiction after the examination so that a prompt competency hearing and detention hearing may be held.

**SO ORDERED.**

  
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James R. Muirhead  
United States Magistrate Judge

Date: December 29, 2005

cc: Mark Irish, AUSA  
Jeffrey Levin, Esq.  
U.S. Marshal  
U.S. Probation